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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192118
Party	Plaintiff LFP IP, LLC
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Date	12/30/2010
Attachments	int134.PDF (24 pages)(8482045 bytes)

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

LFP IP, LLC, Plaintiff/Opposer v. LEGAL HUSTLERS, LLC, Defendant/Applicant	Opposition No.: 91192118 DECLARATION OF JASON HAUGHEY IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
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DECLARATION OF JASON HAUGHEY

I, JASON HAUGHEY, declare and state:

1. I am Vice President of LFP Apparel, LLC ("LFP Apparel"), an affiliate and licensee of Plaintiff/Opposer LFP IP, LLC. I have personal and first-hand knowledge of the facts set forth herein, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently testify to the following.

2. I have been working in the apparel/clothing industry for approximately 27 years. Prior to joining LFP Apparel in 2007, my experience included positions as a retail store manager and a senior buyer for a large privately held clothing and retail store

company. Given my long term career in the apparel industry, I am familiar with the marketing of apparel items and how apparel items are sold.

3. Currently, as Vice President of LFP Apparel, I am involved with the design and production of numerous apparel items, including but not limited to various tee shirts, swim wear, dresses, shorts, sweatshirts and hats sold and distributed by the company. Attached as **Exhibit A** are true and correct copies of the front and back covers of LFP Apparel's Spring/Summer 2010 Catalog, along with certain select pages from the catalog.

4. HUSTLER brand clothing is sold throughout the United States and various countries throughout the world. LFP Apparel sells its clothing to various retail outlets, including the affiliated HUSTLER HOLLYWOOD retail store, and non-affiliated NO FEAR and SPENCER'S GIFTS retails stores found throughout shopping malls in the United States. Further, HUSTLER brand clothing items are also sold online through various retail websites, including hustlerhollywood.com.

5. HUSTLER tee shirts sold by LFP Apparel all contain a neck tag bearing the HUSTLER trademark; are sold with hang tags bearing the HUSTLER trademark; and many of the tee shirts contain graphic designs that incorporate the HUSTLER mark in some way. Attached hereto as **Exhibit B** are images of the HUSTLER classic tee shirt, one of many tee shirt designs sold by LFP Apparel. The images in **Exhibit B** provide examples of the HUSTLER neck tag, hang tag and graphic design placed on LFP Apparel's tee shirts. **Exhibit A** provides example images of additional tee shirt designs that utilize the HUSTLER mark.

6. In my experience, trademarks in the apparel industry are extremely important, and help to drive sales. Indeed, it is my opinion based on my many years in

the apparel business that if you take similar apparel items, one with an unknown trademark and the other item with an established name or trademark, the one with the established trademark can be sold at a premium or higher price point, even if the products themselves are virtually identical.

7. The HUSTLER clothing trademark has become well-known to consumers, through various promotional and advertising efforts, as well as through sales of the products throughout the United States. In 2008, at the wholesale level alone, LFP Apparel sold approximately 450,000 items generating approximately \$6,000,000 in gross revenues in HUSTLER brand apparel items. In 2009, LFP Apparel sold approximately 470,000 items resulting in gross revenues of approximately \$6,200,000.

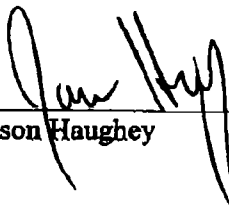
9. In addition to the promotional and advertising efforts of LFP Apparel, LFP IP, LLC's extensive use and promotion of the various HUSTLER marks has established valuable goodwill in the HUSTLER brand, and the public has come to associate the HUSTLER marks with LFP and its famous founder, Larry Flynt. As such, the public has come to know HUSTLER as an indication of goods and services that originate from "Hustler" or "Larry Flynt Publications," and their affiliated companies.

10. An affiliate of LFP Apparel, LFP Publishing Group, LLC ("LFP Publishing"), currently publishes the famous HUSTLER magazine and another well known magazine, BARELY LEGAL. With permission, LFP Apparel also sells HUSTLER brand tee shirts adorned with "BARELY LEGAL." Attached hereto as **Exhibit C** is an image from LFP Apparel's Fall 2010 catalog demonstrating the use of the BARELY LEGAL mark on a HUSTLER brand tee shirt.

11. Given the above, it is my belief and opinion that a consumer would be confused as to the source of tee shirts exhibiting Applicant's mark "Legal Hustlers." It

is also my opinion that Applicant's use of the LEGAL HUSTLERS mark may deceive or mislead consumers into believing that its tee shirt is affiliated or endorsed in some way by "Hustler", "Larry Flynt Publications" or Larry Flynt. I base my opinion on various facts, including but not necessarily limited to: (a) the applied-for trademark incorporates the HUSTLER mark, and the HUSTLER portion of the mark is the most dominate and distinctive portion of the applied-for mark; (b) the products at issue are identical clothing items – (shirts); and (c) the channels of trade are likely to overlap (i.e. retail clothing stores and/or sales made through Internet websites).

I declare under penalty of perjury, under the laws of the United States and the State of California, that the foregoing is true and correct; and all statements made on information and belief are believed to be true. Executed this 29th day of December 2010, at Los Angeles, California.



Jason Haughey

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Plaintiff/Opposer's Declaration of Jason Haughey in Support of Plaintiff's Motion for Summary Judgment was mailed, first class, postage prepaid this 30th day of December, 2010, upon the Defendant/Applicant at the following address:

Duane Stewart
Legal Hustlers, LLC
9102 Kerrville Rosemark Road
Millington, TN 38053

/Lori Vangelov/

Lori Vangelov

EXHIBIT A

HUSTLER[®]

APPAREL

SPRING / SUMMER 2010



MR1263 STRIP WHITE, BLUE, BLACK 100% COTTON PRINTED TEE M-2XL \$12



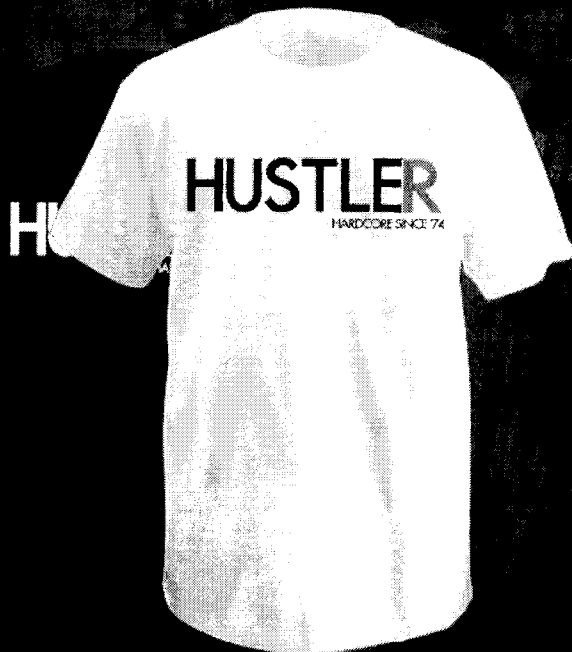
MR1291 STRIP DOWN BLACK, WHITE 100% COTTON PRINTED TEE M-2XL \$12



MR1292 BLAZED 10 BLACK, ROYAL, WHITE 100% COTTON PRINTED TEE M-2XL \$12



MR1293 MONEY OVER BITCHES BLACK, WHITE 100% COTTON PRINTED TEE M-2XL \$12



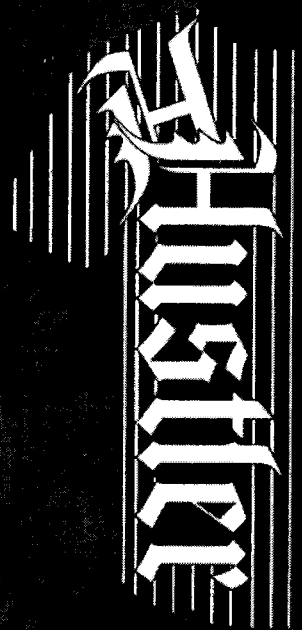
MR1262 RATED-R WHITE, BLACK 100% COTTON PRINTED TEE M-2XL \$12



MR1281 DREAM TEAM WHITE, BLACK 100% COTTON PRINTED TEE M-2XL \$11



MR1284 CRUSH WHITE, BLACK 100% COTTON PRINTED TEE M-2XL \$12



MR1288 INDO BLACK 100% COTTON PRINTED TEE M-2XL \$12



MR1259 GUNS DRAWN BLACK/WHITE 100% COTTON PRINTED TEE FRONT & BACK M-2XL \$12



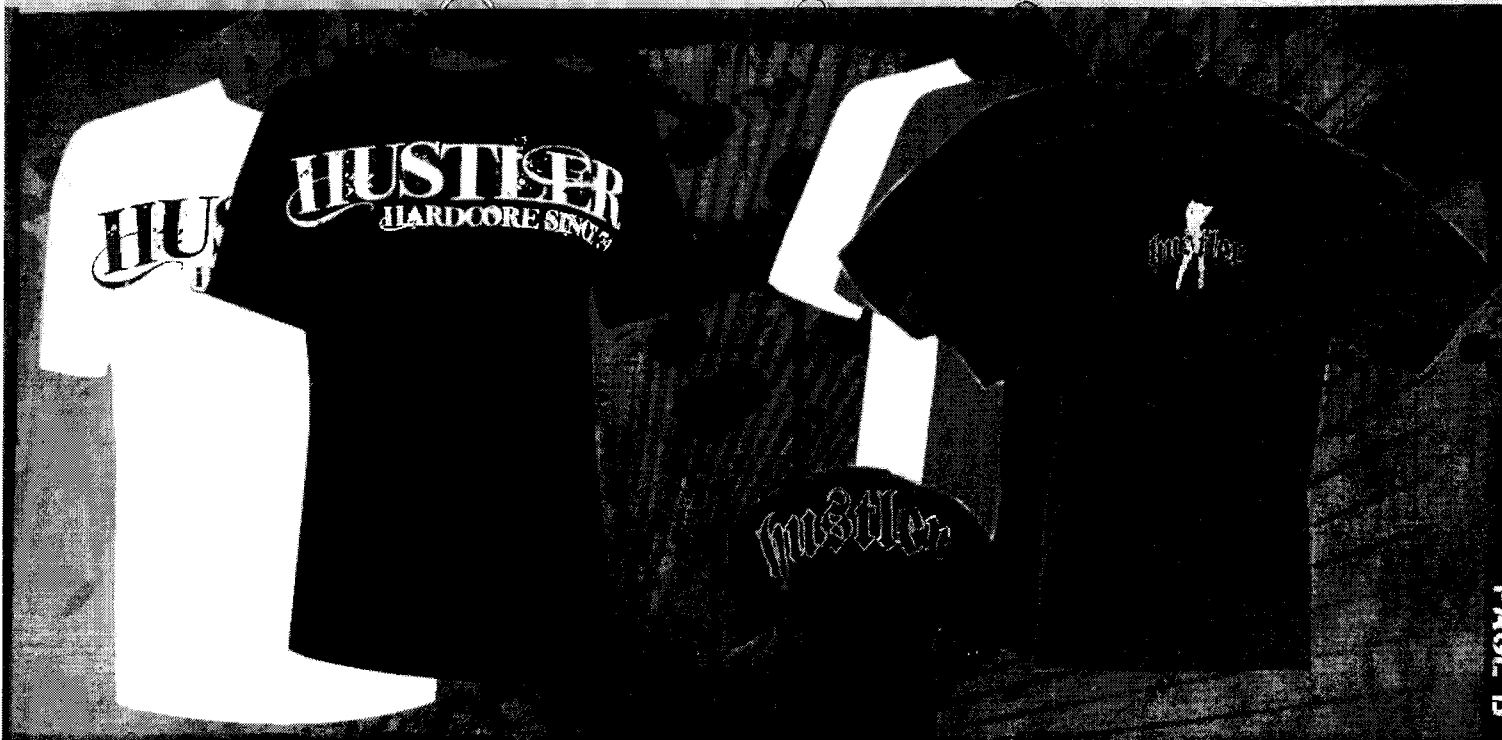
MR1289 METALICA WHITE, BLACK 100% COTTON PRINTED TEE M-2XL \$11



MR1285 HIT EM UP BLACK, WHITE-100% COTTON PRINTED TEE M-2XL \$13

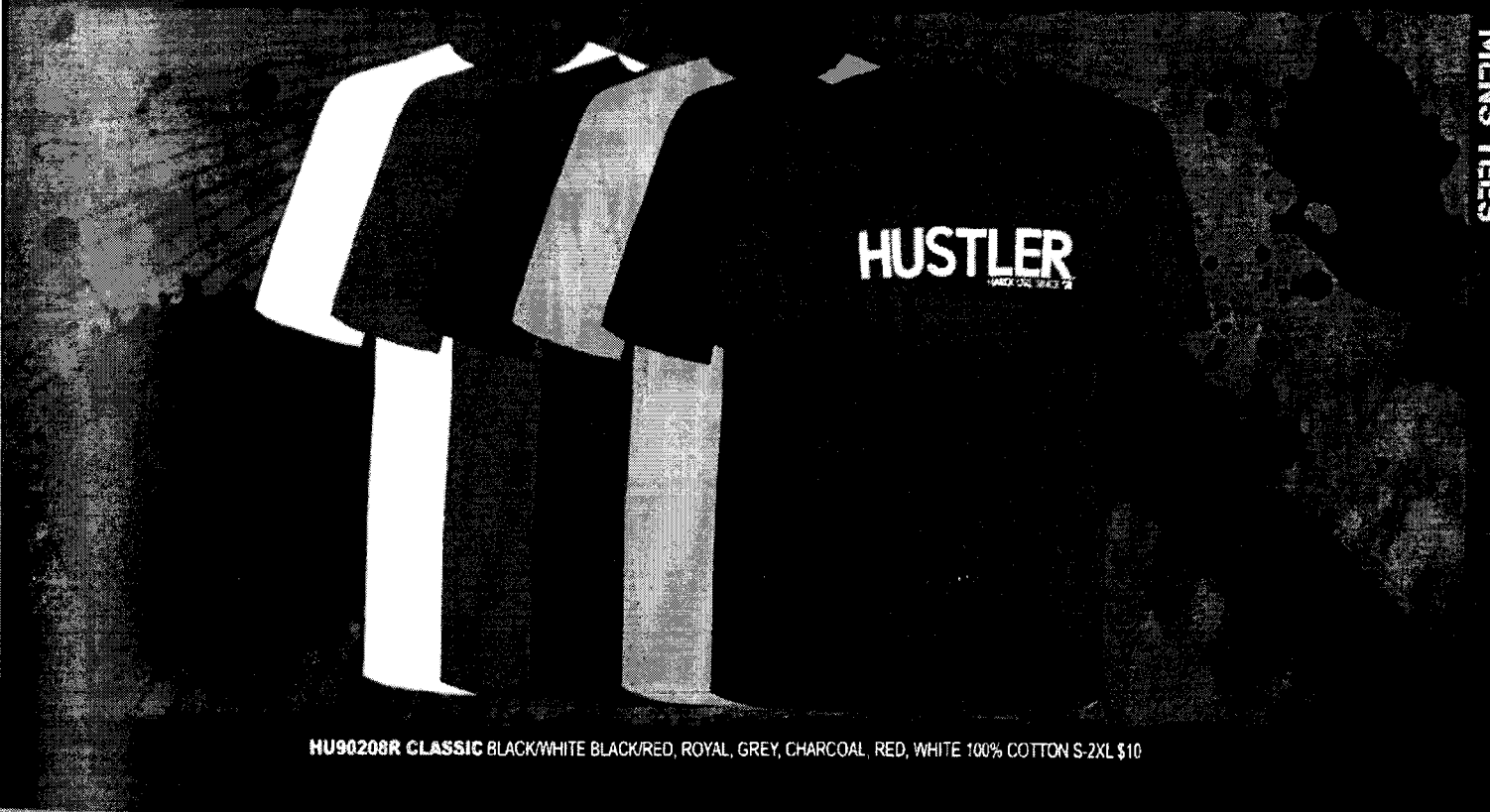


MR1260 STRAPPED BLACK, WHITE 100% COTTON PRINTED TEE FRONT & BACK M-2XL \$13



MR2001 HUSTLER CLASSIC BLACK, WHITE 100% COTTON PRINTED TEE M-2XL \$11

MR1016 MUD BLACK, CHARCOAL, RED, WHITE 100% COTTON PRINTED TEE S-2XL \$11



HU90208R CLASSIC BLACK/WHITE BLACK/RED, ROYAL, GREY, CHARCOAL, RED, WHITE 100% COTTON S-2XL \$10



MR3022 VENGEANCE SLIM WHITE, CHARCOAL 100% COTTON PRINTED SLIM FIT TEE M-2XL \$14



MR3012 SPINESHANK SLIM WHITE, BLACK 100% COTTON PRINTED SLIM FIT TEE M-2XL \$14



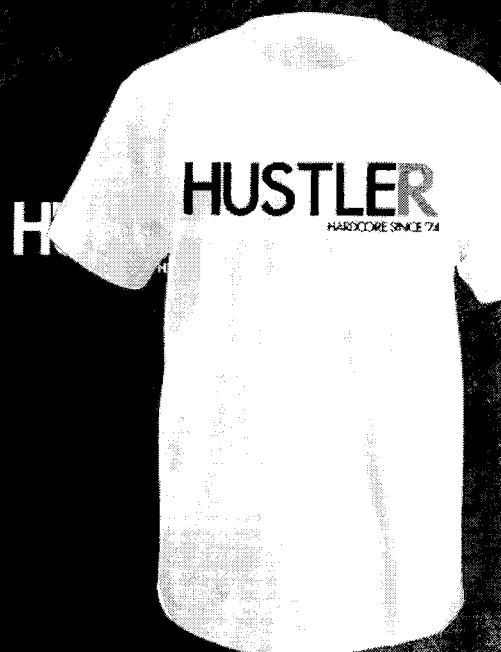
MR3013 PLAID SLIM WHITE, BLACK 100% COTTON PRINTED SLIM FIT TEE M-2XL \$14



MR3021 RUN THIS TOWN SLIM WHITE, BLACK 100% COTTON PRINTED SLIM FIT TEE M-2XL \$14



MR2002 SLIM HUSTLER BLACK, SKY BLUE, NAVY, GREEN, RED, WHITE, HEATHER GREY, BLACK/SILVER, RED/BLACK 100% COTTON PRINTED SLIM FIT TEE S-2XL \$13



MR3027 RATED-R SLIM WHITE, BLACK 100% COTTON PRINTED SLIM FIT TEE M-2XL \$13

HUSTLER

MR3028 DREAM TEAM SLIM BLACK 100% COTTON PRINTED SLIM FIT TEE M-2XL \$14



MR3030 CRUSH SLIM WHITE, BLACK 100% COTTON PRINTED SLIM FIT TEE M-2XL \$13

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MENS SLIM



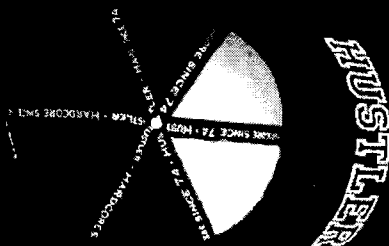
MH2014 THE CLASSIC HUSTLER
ROYAL RED, BLACK EMBROIDERED FLAT BILLED HAT S,M,L \$12



MH3036 LAP DANCE
BLACK-CHARCOAL 3D EMBROIDERED FLAT
BILLED HAT WITH INSIDE TAPING S,M,L \$14



MH3023 HOOD
BLACK BLACK/WHITE, BLACK/RED 3D EMBROIDERED FLAT
BILLED HAT WITH CONTRAST STITCHING INSIDE STITCHING S,M,L \$14



MH3015 STRIP
BLACK EMBROIDERED FLAT BILLED HAT WITH UNDERBILL DETAIL AND INSIDE TAPING S,M,L \$13



WR4028 VERTIGO WHITE, BLACK 95% COTTON 5% SPANDEX PRINTED V-NECK
FRONT & BACK S-XL \$15



WR4026 METHOD WHITE, BLACK 95% COTTON 5% SPANDEX PRINTED V-NECK
FRONT & BACK S-XL \$15



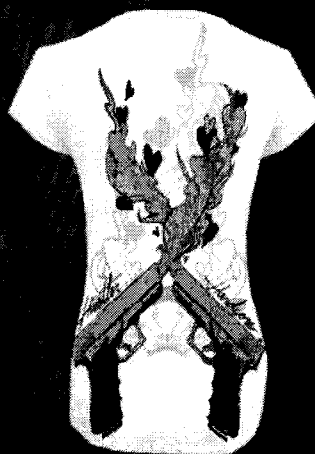
WR4024 PEACE WHITE 95% COTTON 5% SPANDEX PRINTED V-NECK FRONT & BACK S-XL \$16



WR4022 ARCHER HEART WHITE, BLACK 95% COTTON 5% SPANDEX V-NECK FRONT & BACK S-XL \$15



WR4029 BLACK ANGEL WHITE, BLACK 95% COTTON 5% SPANDEX PRINTED V NECK
FRONT AND BACK S-XL \$15



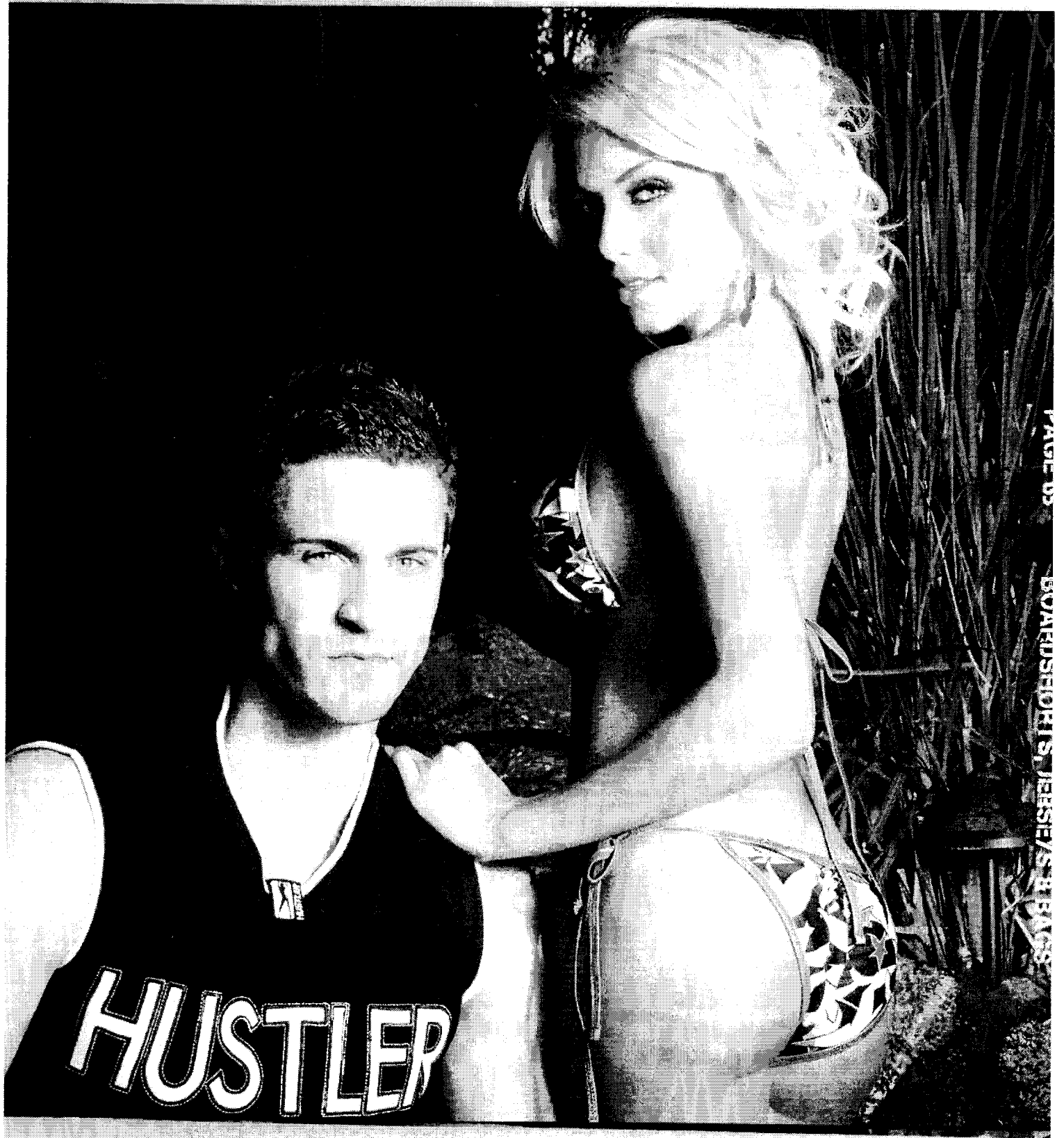
WR4025 HEART SMOKE WHITE, BLACK 95% COTTON 5% SPANDEX PRINTED V-NECK
FRONT AND BACK S-XL \$16



WR4027 LOCK HEART WHITE, BLACK 95% COTTON 5% SPANDEX PRINTED V-NECK
FRONT AND BACK S-XL \$16



WR4030 GOTH WHITE, BLACK 95% COTTON 5% SPANDEX PRINTED V-NECK
FRONT AND BACK S-XL \$16



PAGE 10 BOARDROOM'S JESSIE/SHERAS



MS1014 VENGEANCE BLACK \$25



MS1012 SHADOW BLACK \$25



MS1013 COVERGIRL2 BLACK \$25

ALL BOARDSHORTS
100% MICRO POLY

SIZES AVAILABLE
30, 32, 33, 34,
36, 38, 40



MS1011 TRUST NO BITCH BLACK \$25



www.hustlerfashion.com

EXHIBIT B



HUSTLER
HARDCORE SINCE 74

HUSTLER
SINCE '74

MADE IN MEXICO
50% COTTON 50% POLYESTER
TALLA
M

HECHO EN MEXICO
CON TELA DE E.L.

HUSTLER®
HARDCORE SINCE '74

EXHIBIT C

- W0170 Honey Pot
with front 55% cotton 55% linen for S-2L
- W0171 Classic Girl
with back 95% cotton 5% spandex for S-2L
- W0172 Beauty Beyond Reason
with back 95% cotton 5% spandex for S-2L
- W0173 Polka Dot
with back 100% cotton for S-2L
- W0174 Beach
with back 100% cotton for S-2L
- W0175 Digital Reader
with back 95% cotton 5% spandex for S-2L

- W0176 Stitches All Day
with back 95% cotton 5% spandex for S-2L
- W0177 True Love
with back 100% cotton for S-2L
- W0178 Sweet 16
with back 95% cotton 5% spandex for S-2L
- W0179 Renaissance
with back 95% cotton 5% spandex for S-2L
- W0180 Lean Body
with back 95% cotton 5% spandex for S-2L
- W0181 Talk Show 10
with back 95% cotton 5% spandex for S-2L